

Remarks:

Reconsideration of the application is respectfully requested.

Claims 1 - 17 are presently pending in the application.

Applicant gratefully acknowledges that claims 5 - 8 have been indicated as being allowable if rewritten to include all the limitations of the claims from which those claims depend, and that claims 11 - 17 have been allowed.

In item 4 of the above-identified Office Action, the specification was objected to because of alleged informalities in the format of the Abstract of the Disclosure. The Abstract of the Disclosure in the present case was amended in the previous Office Action. However, a clean copy, as required by the rules, was not provided at that time. A clean copy of the Abstract, as previously amended in the Response of October 14, 2004, is included at the end of the present Response. It is believed that the attached clean copy of the Abstract addresses the issues raised in item 4 of the Office Action.

In item 8 of the above-identified Office Action, claims 1 - 2, 4, 9 and 10, were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U. S. Patent No. 5,600,782 to Thomson ("THOMSON").

In item 10 of the above-identified Office Action, claim 3 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over THOMSON in view of Applicant's Admission of Prior Art ("AAPA").

Applicant respectfully traverses the above rejections.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 recites, a controller area network (CAN) module, comprising:

"a plurality of sets of storage elements for storing a plurality of sets of data representing different states of the CAN module." [emphasis added by Applicant]

Similarly, Applicant's independent claim 10 recites, a controller area network (CAN) module for a microcontroller, the CAN module comprising:

"storage elements for storing data representing different states of the CAN module."

In rejecting Applicant's arguments of the previous response, item 13 of the Office Action states in part:

"Regarding claim 1, Applicant argues (Page 20 of 22) that data stored represents 'different states of the CAN module'. However, applicant also argues in this claim that these states are 'used to attach to multiple CAN buses'. Furthermore, Applicant argues, 'these different states are necessary to operate with multiple

CAN nodes'. Examiner respectfully submits that these features are not claimed in claim 1.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., different states are necessary to operate with multiple CAN nodes) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993)." [emphasis added by Applicant]

Applicant respectfully traverses the above statement of the Office Action. In choosing to address the "multiple CAN buses", allegedly not explicitly recited in Applicant's claim 1, the Office Action fails to address Applicant's most basic argument that "data stored represents 'different states of the CAN module'", which is clearly part of independent claims 1 and 10.

More particularly, as noted above, Applicant's independent claims 1 and 10 affirmatively recite, among other limitations, storage elements for storing data representing different states of the CAN module. The THOMSON reference fails to teach or suggest, Applicant's particularly claimed storage elements.

On page 3 of the Office Action, with regard to claim 1, it is stated:

"Regarding claim 1, Thomson teaches a controller area network (CAN) module (See Figs. 3 - 4) including storage elements (see 'registers', col. 5, lines 22-59) having data. Thomson explicitly teaches representing different states of the CAN module (see 'plurality of states the CAN interface is operating', col. 12, lines 1 - 2) "

Applicant's claim 10 is rejected under a nearly identical application of the THOMSON reference. However, taking everything in the above-cited Office Action paragraph as true, arguendo, the Office Action still has not made the necessary case that THOMSON renders Applicant's claims anticipated or obvious. Rather, the Office Action merely states that THOMSON has storage elements and that THOMSON teaches different states of the CAN module, but the Office Action fails to point to any teaching or suggestion in the THOMSON reference of storage elements that are used to store data representing different states of the CAN module, as is required by Applicant's claims 1 - 10. This is because the THOMSON reference neither teaches, nor suggests, storage elements that are used to store data representing different states of the CAN module as recited in claims 1 and 10 of the instant application.

Rather in THOMSON, the two transmit storage buffer registers TXD1 and TXD2, and the two receive buffer registers RXD1 and RXD2, store data not representing different states of the CAN module, which is contrary to Applicant's claims 1 and 10.

Regularly received data is written to the registers TXD1, TXD2, RXD1 and RXD2. See col. 9 of **THOMSON**, lines 30 - 56.

It is further clearly evidenced in **THOMSON** that it is regular data, not data representing different states of the CAN module, stored in the registers TXD1 and TXD2 (i.e., cited in the Office Action as analogous to Applicant's storage elements). Col. 9 of **THOMSON**, lines 10 - 21 state:

"If an error occurs during the transmission of a frame having more than two data bytes, software executing in the core processor must handle the correct reloading of the data bytes into the TXD1 and TXD2 registers for retransmission of the frame. For frames with two or fewer data bytes, the interface management logic block 36 performs an automatic retransmission. Regardless of the number of data bytes in the frame, the software executing in the core processor must reset the TERR bit if the CEIE bit is enabled in order to prevent a false interrupt from being generated immediately upon the core processor software's return from the error interrupt service routine."

[emphasis added by Applicant]

Clearly, it is not data representing the different states of the CAN module that is stored in TXD1 and TXD2, and thus, being overwritten and/or retransmitted in case of error. Such a retransmission of data in case of error would have a ridiculous result if the data stored in TXD1 and TXD2 stored data representing different states of the CAN module, as required by Applicant's claims 1 and 10.

As shown above, the **THOMSON** reference neither teaches, nor suggest, storage elements that are used to store data representing different states of the CAN module as recited in claims 1 and 10 of the instant application. Additionally, Applicant believes that a combination of the **THOMSON** reference with the **AAPA**, still fails to teach or suggest Applicant's claimed invention.

It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest the features of claims 1, 10 and 11. Claims 1, 10 and 11 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1. As it is believed that the claims were patentable over the cited art in their original form, the claims have not been amended to overcome the references.

Finally, Applicant appreciatively acknowledges the Examiner's statement that claims 5 - 8 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." In light of the above, Applicants respectfully believe that rewriting of claims 5 - 8 is unnecessary at this time.

In view of the foregoing, reconsideration and allowance of claims 1 - 17 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out. In the alternative, the entry of the amendment is requested, as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicant

Kerry P. Sisselman
Reg. No. 37,237

KPS:cgm

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Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101



Abstract of the Disclosure:

A CAN module contains several sets of storage elements for storing several sets of data representing different states of components of the CAN module. For example, a single bit stream processor component, one of the largest and most complicated constituents of the CAN module, can be used for a plurality of CAN buses when data representations of the different states of the bit stream processor are stored in the sets of storage elements. The CAN module can be used as a shared CAN module for several CAN buses and/or CAN nodes.